

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

MICKEY CARL STINSON,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
SERGEANT CLADD;	:	CIVIL ACTION NO.: 1:06-CV-161 (WLS)
OFFICER DAVIS,	:	
	:	
Defendants	:	PROCEEDINGS UNDER 42 U.S.C. § 1983
	:	<u>BEFORE THE U.S. MAGISTRATE JUDGE</u>
	:	

O R D E R

Plaintiff **MICKEY CARL STINSON**, an inmate at the Sumter County Correctional Institution in Americus, Georgia, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. He also seeks leave to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). As it appears that plaintiff is unable to pay the cost of commencing this action, plaintiff's application to proceed *in forma pauperis* is hereby **GRANTED**.

However, even if a prisoner is allowed to proceed *in forma pauperis*, he must nevertheless pay the full amount of the \$350.00 filing fee in installments based on funds in the prisoner's account. When a prisoner has funds in his account, he must pay an initial partial filing fee of twenty percent of the greater of (1) the average monthly deposits to the prisoner's account, or (2) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1).

A review of the Certificate signed by the Records Manager at the Sumter County Correctional Institution reveals that plaintiff deposited \$70.00 into his account in the past six months; thus, the average monthly deposits to his account are \$11.67. Twenty percent (20%) of \$11.67 is \$2.33. Accordingly, it is hereby **ORDERED** that plaintiff pay an initial partial filing fee

of \$2.33.

Plaintiff shall have until January 5, 2007 to pay the required initial partial filing fee to the Clerk of the Court. Failure to comply with this Order shall result in the dismissal of plaintiff's complaint. There shall be no service in this case until further order of the Court.

SO ORDERED, this 7th day of December, 2006.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

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